



Docket No. 300201988-3  
(F&L Docket No. 084061/0475)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Athena CHRISTODOULOU et al.  
Title: ESTABLISHMENT OF NETWORK CONNECTIONS  
Appl. No.: 10/629,571  
Filing Date: 07/30/2003  
Examiner: Nguyen, Thuong  
Art Unit: 2155  
Confirmation No.: 6465

**PETITION TO PTO REGARDING NON-RECEIPT OF A NOTICE OF NON-  
COMPLIANT APPEAL BRIEF IN ACCORDANCE WITH M.P.E.P. §710.06, AND  
REQUEST FOR REFUND**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to restart the response date and to obtain a refund due to late receipt, in fact non-receipt, of a Notice of Non-Compliant Appeal Brief dated October 19, 2007 ("Non-Compliant Notice") for the above-captioned application, whereby an extension of time fee was required in order to respond to the Non-Compliant Notice once it was made aware to Applicants.

In accordance with M.P.E.P. § 710.06, a grantable petition requires the following:

(A) The petition to restart the period of reply is filed within two weeks of date of receipt of the Non-Compliant Notice at the correspondence address;

(B) A substantial portion of the set reply period had elapsed on the date of receipt;  
and

(C) The petition includes evidence showing the date of receipt of the Non-Compliant Notice at the correspondence address, and a statement setting forth the date of receipt of the Non-Compliant Notice and explaining how the evidence being presented establishes the date of receipt of the Non-Compliant Notice at the correspondence address.

In support of this petition, Applicants declare the following:

1. Applicants never received the Non-Compliant Notice at the correspondence address for this application. Consequently, Applicants are unable to show the date of their receipt of the Non-Compliant Notice. To illustrate, Applicants submit Exhibit A, which is a copy of the log of all mail received from the U.S. Patent and Trademark Office at the correspondence address for all matters from October 16, 2007 to October 31, 2007. No correspondence relating to this application was received during this period or during the following period up to the date of this filing of this petition.

2. The current petition is being filed within two weeks of when Applicants first became aware of the mailing of the Non-Compliant Notice by the PTO.

3. The (extendible) period for reply to the Non-Compliant Notice ended on November 19, 2007, whereby the reply period, at the time of the filing of this petition, is in the third-month extension of time period. A response to the Non-Compliant Notice is being filed on February 8, 2008, prior to expiration of the third-month extension of time period, in

case this petition for some reason is denied. Upon grant of this petition, Applicants further request refund of the three-month extension of time fee required for entry of the reply to the Non-Compliant Notice, since if the Non-Compliant Notice was received by Applicants in the normal manner via mail, a response would have been timely filed by no later than November 19, 2007.

4. Applicants first learned of the existence of the Non-Compliant Notice on February 1, 2008, when the undersigned, Applicants' outside counsel (an attorney at Foley & Lardner LLC), did a standard four month from filing of Appeal Brief check on PTO's PUBLIC PAIR on February 1, 2008, thereby finding out for the first time that a Non-Compliant Notice was issued by the PTO on October 19, 2007. Applicants' outside counsel promptly contacted Applicant's inside counsel at Hewlett-Packard via e-mail, to notify them of this.

\* \* \* \* \*

Having satisfied the requirements set forth in M.P.E.P. § 710.06, Applicants petition to restart the response date and respectfully request refund of the three-month extension of time fee that was required for the filing of the response to the Non-Compliant Notice.

Respectfully submitted,

Date February 8, 2008

By Phillip J. Articola  
William T. Ellis  
Registration No. 26,874  
Phillip J. Articola  
Registration No. 38,819  
Attorneys for Appellants